

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

Brielle Penkoski, Plaintiff, - against - OVERTON COUNTY BOARD OF EDUCATION; RICHARD MELTON; and STEPHEN HENSON, Defendants.	Case No.: 2:20-cv-00065 Judge Waverly D. Crenshaw, Jr. Magistrate Judge Alistair Newbern
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PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

COMES NOW Plaintiff, Brielle Penkoski, by and through counsel, and pursuant to Rule 56.01 of the Federal Rules of Civil Procedure, moves this Court for summary judgment against the Defendants. There are no genuine issues as to any material facts and Plaintiff is entitled to summary judgment as a matter of law. In support of this Motion, Plaintiff contemporarily files the following:

1. Memorandum of law in Support of Summary Judgment
2. Plaintiff's Statement of Undisputed Material Facts
3. Exhibit A – Excerpts from the Deposition of Brielle Penkoski
4. Exhibit B – Excerpts from the Deposition of Defendant Richard Melton
5. Exhibit C - Excerpts from the Deposition of Mark Winningham
6. Exhibit D – Excerpt from the Deposition of Richard Penkoski
7. Exhibit E – Excerpts from the Deposition of Defendant Stephen Henson
8. Exhibit F – Written Statement of Defendant Melton dated 8/2/20
9. Exhibit G – Unsworn Statement of Brielle Penkoski

10. Exhibit H – Melton’s Responses to Request for Admissions
11. Exhibit I – Overton County BOE’s Responses to Request for Admissions
12. Exhibit J - caselaw *Parents Defending Education v. Linn Mar Comm. Sch. Dist.* 22-2927 (8th Cir. Sept. 29, 2023).

WHEREFORE, Plaintiff respectfully requests this Court to grant Plaintiff the relief sought in the accompanying Memorandum of Law, including reasonable attorneys’ fees pursuant to 42 U.S.C. § 1988, and direct entry of judgment pursuant to FRCP 56.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the forgoing has been sent via CM/ECF system to:

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This 6th day of October, 2023.

/s/ Kristin Mosher
Kristin Mosher